


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter <b>1</b>	Number <b>3</b>	Effective Date <b>07/31/07</b>	Review Date <b>2010</b>
Subject <b>ANTI-DISCRIMINATION</b>			<input type="checkbox"/> New Order  <input checked="" type="checkbox"/> Replaces G.O. 111-2, (09/17/04)
References General Order 1-1, 7-21 VLEPSC PER.02.01, PER.02.02, PER.02.03 CALEA 26.1.3 Personnel Rules for the Classified Service, City of Richmond City of Richmond Administrative Regulations 4.1, 4.6, and 4.13 The Americans with Disabilities Act (ADA) & Age Discrimination in Employment Act (ADEA) Title VII, Civil Rights Act of 1964			
 <b>Chief of Police or Designee</b>		<b>07/31/07</b> <b>Date</b>	

**I. PURPOSE**

The purpose of this directive is to establish and maintain a work environment conducive to the performance of duties free from discrimination, intimidation or coercion in any form.

**II. POLICY**

It is the policy of the City to be dedicated against discrimination as indicated in the Introduction to the Personnel Rules for the Classified Service. ***The City has a zero-tolerance policy regarding any acts of harassment committed by or against an employee.*** It is the policy of the Richmond Police Department to prohibit discrimination according to the following statutes: Title VII of the Civil Rights Act of 1964 prohibits discrimination based upon race, color, sex, religion, or national origin; the Americans with Disabilities Act (ADA) prohibits discrimination based on disability; and, the Age Discrimination in Employment Act (ADEA) prohibits discrimination against persons 40 and over based on age. Title VII's prohibition of discrimination includes discrimination in hiring, firing, promotions, wages, job assignments, fringe benefits and other terms and conditions of employment. The Richmond Police Department strictly prohibits the detention, interdiction or other disparate treatment of any person on the basis of race, ***color, sex, age, ethnicity***, national origin, sexual orientation, ***religion or disability***. Such unlawful practices present potential financial liability to the City and are ***therefore***, prohibited. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary sanctions ***up to and including dismissal from City employment*** pursuant to the Department's Code of Conduct under General Order 1-1.

**III. ACCOUNTABILITY STATEMENT**

*All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, or disciplinary action is initiated.*

#### IV. DEFINITIONS

##### A. Civil Rights Acts of 1964 (Prohibited Conduct):

###### 1. Title VII: Section 703:

- a) ...to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.
- b) ...to limit, segregate, or classify its employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's race, color, religion, sex, or national origin.

###### 2. Title VII: Section 704(a):

...to retaliate in any manner against any person because of opposition to any practice declared unlawful under Title VII of the Civil Rights Act of 1964, as amended, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding, or hearing under Title VII of the Civil Rights Act of 1964, as amended.

###### 3. The Americans with Disabilities Act of 1990 (ADA):

The ADA prohibits employment discrimination against qualified individuals with disabilities.

###### 4. Age Discrimination in Employment Act of 1967 (ADEA):

The ADEA prohibits employment discrimination against persons 40 and over based on age.

##### B. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or,

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

C. ***HARASSMENT*** – *A form of discrimination where a person is subjected to a hostile or offensive work environment because of threatening, intimidating, embarrassing, or other offensive behavior based on his/her race, religion, age, disability, sex, national origin, or sexual orientation.*

D. ***PROTECTED GROUP*** – *A group of people who are protected from discrimination and harassment under federal anti-discrimination law. The following characteristics are considered "Protected Classes" and persons cannot be discriminated against based on these characteristics: Race, Religion, Age, Disability, Sex, National Origin, or Sexual Orientation.*

E. *The following shall be considered inappropriate workplace behavior:*

1. Disparaging remarks (written or verbal) of a discriminating nature. This includes slurs and jokes targeting a protected group as well as jokes or comments of a sexual nature;
2. Posters, flyers, personal attire, etc., designed to promote discrimination or harassment upon *a protected group*;
3. Disparate treatment of individuals in the protected categories involving recruitment, promotional opportunities, and application of policies and procedures and rules and regulations; and,
4. Acts of violence, threats of violence or other harmful or offensive behavior intending to promote a hostile work environment because of such individual's *membership in a protected group*.

## V. PROCEDURE

A. Responsibilities:

1. *Whenever possible*, individuals who experience discrimination and/or harassment should make it clear to the offending person that such behavior is unacceptable. Upon its *initial* occurrence, *any reoccurrence* or repetition *of the discrimination and/or harassment*, the individual should bring the matter to the attention of appropriate officials.
2. The employee should report the incident to his/her immediate supervisor, ***OIC of the affected Division/Unit or Civilian Equivalent or RPD's Human Resources Division Chief***. In cases where such reporting procedure is not appropriate, such as when the offending party is in the complaining party's chain of command, the employee shall report the incident to the OIC of the Internal Affairs ***Division or designee*** for a prompt and diligent investigation.

3. Managers and supervisors of the City have a duty to *promptly* investigate allegations of discrimination/harassment and take immediate and appropriate action. *Managers shall initiate the investigation process by asking the complainant and all involved parties to complete a PD-118, Complainant/Officer Statement Form. The completed form shall be forwarded to the Internal Affairs Division.*
  4. Managers and supervisors who allow discrimination/harassment to continue or who fail to take appropriate corrective action shall be considered a party to the act or behavior, even though they may not have behaved in such a manner. Such managers and supervisors *also* shall be subject to corrective action *to include* possible demotion or dismissal *from City employment.*
- B. Department employees may file grievances concerning discrimination and/or harassment with the City of Richmond's Department of Human Resources or U.S. Equal Employment Opportunity Commission.
- C. All investigations into allegations of discrimination shall be confidential *and shall be thoroughly investigated following complaint procedures set forth in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests. Absolute confidentiality cannot be legally guaranteed, however, the Department will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.*
- D. *Prevention and Training:*
- In an effort to avoid and eliminate discrimination and/or harassment, *the Department will* take affirmative steps to sensitize all of its employees to the unlawful nature of discrimination and/or harassment and express strong disapproval of such conduct. *Additional training may be designated for employees with sustained discrimination complaints against them.*
- E. *Non-Retaliation:*
- Any employee who files a complaint or participates in an investigation shall not be subject to any form of retaliation because of such complaint. He/she will not be adversely affected in terms of conditions of employment, discriminated against or discharged solely on the basis of the complaint. If an employee believes he/she is suffering from retaliation, he/she shall follow the reporting requirements set forth in Section V.A.1 and V.A.2 of this policy. A PD-118 report shall be completed and filed with the Internal Affairs Division.*
- F. *For additional information, employees may refer to the City of Richmond's Administrative Regulations regarding Anti-Harassment (AR 4.6), the Americans with Disabilities Act (ADA) (AR 4.1) and Violence in the Workplace (AR 4.13).*

VI. **ROLES AND ACCOUNTABILITY**

A. *All employees shall:*

*Maintain a work environment conducive to the performance of duties free from discrimination, harassment, intimidation, retaliation or coercion.*

B. *Employees who experience discrimination and/or harassment shall:*

1. *Whenever possible, inform the offending person(s) that such behavior is unacceptable;*
2. *Notify the appropriate official(s) upon the initial occurrence, any reoccurrence or repetition of the discrimination and/or harassment:*
  - *Report the incident to his/her immediate supervisor, OIC of the affected Division/Unit or Civilian Equivalent or RPD's Human Resources Division Chief;*
  - *Report the incident to the OIC of the Internal Affairs Division or designee when the offending person(s) is in the employee's chain of command;*
3. *Complete a PD-118, Complainant/Officer Statement Form, to initiate the investigative process into discrimination and/or harassment and retaliation grievances; and,*
4. *Have the option to file discrimination and/or harassment and retaliation grievances with the City's Department of Human Resources or U.S. Equal Employment Opportunity Commission.*

C. *Immediate supervisors, OIC of the affected Division/Unit or Civilian Equivalent and RPD's Human Resources Division Chief shall:*

1. *Immediately, investigate allegations of discrimination and/or harassment and take immediate and appropriate action in a confidential manner. For additional information, refer to General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests;*
2. *Initiate the investigation process by asking the complainant and all involved parties to complete a PD-118, Complainant/Officer Statement Form; and,*
3. *Forward completed PD-118 Form(s) to the Internal Affairs Division.*

D. *Officer In Charge of the Police Training Academy or designee shall:*

*Provide additional training for employees with sustained discrimination and/or harassment complaints against them.*

*E. Officer In Charge of the Internal Affairs Division or designee shall:*

- 1. Review all PD-118, Complainant/Officer Statement Forms;*
- 2. Review and investigate allegations of discrimination and/or harassment (initial occurrence, reoccurrences, repetition of discrimination and/or harassment, and acts of retaliation) and take immediate and appropriate action; and,*
- 3. Investigate all allegations of discrimination and/or harassment (initial occurrence, reoccurrences, repetition of discrimination and/or harassment, and acts of retaliation) in a confidential manner.*

**VII. FORMS**

*PD-118 (Complainant/Officer Statement Form)*